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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 15 April 1999 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

I have the honour to transmit to you the statement adopted by the Organization of the Islamic Conference Contract Group on Jammu and Kashmir held at the United Nations Office at Geneva on 9 April 1999 along with a memorandum on the situation in Jammu and Kashmir submitted by the true representatives of the Kashmiri people.

I should be grateful if you would kindly have the sta ment and memorandum* circulated as official documents of the fifty-fi.th session of the Commission on Human Rights, under agenda items 5 and 9.

(signed) Fahad Awaida AL-THANI
Ambassador
Permanent Representative

* This annex is reproduced as received in the language of submission only.

MEMORANDUM PRESENTED BY THE TRUE REPRESENTATIVES OF THE KASHMIRI PEOPLE TO THE OIC CONTACT GROUP ON JAMMU AND KASHMIR DURING THE 55TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, GENEVA, APRIL 09, 1999

We, the Representatives of oppressed Kashmiri people:

Recalling the relevant resolutions of the United Nations Security Council and also United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, upholding the right to self-determination of the people of Jammu and Kashmir.

Recalling all resolutions relating to Jammu and Kashmir of the OIC Summit and Ministerial Conferences.

Welcoming the historic Special Declaration of the Extraordinary Session of the Islamic Summit Conference on Jammu and Kashmir adopted on 23 March 1997.

Further welcoming the reaffirmation of the commitment of the OIC and its Member States as reflected in the Tehran Summit Declaration of 11 December 1997 to promote a just and peaceful solution of the Jammu and Kashmir dispute in accordance with the relevant resolutions of the United Nations Security Council and their support to the fundamental human rights of the Kashmiri people, including their right to self-determination.

Expressing deep gratitude to the OIC and its Member States for their unequivocal support for Kashmiris right to self-determination and for their condemnation of the repression and massive human rights violations in Indian occupied Jammu and Kashmir.

Rejecting Indian efforts to impose farcical elections as they are not a substitute to the freely exercised right of the Kashmiri people to self-determination.

Affirming that any agreement on Jammu and Kashmir should be on the sole basis of the aspirations of the Kashmiri people as provided by the relevant UN Security Council Resolutions.

Condemn the serious crimes and human atrocities, massacre, extra-judicial killings, custodial deaths, reprisal killings, arbitrary detention, torture, burning of houses, villages and townships and use of rape as an instrument of suppression by the Indian government through its military and para-military personnel, renegades and mercenaries which have claimed more than 65,000 innocent lives in Jammu and Kashmir during the last nine years.

Further condemn the destruction and desecration of Islamic holy places in occupied Kashmir by Indian forces.

Reaffirm their full rejection of farcical elections imposed by India in occupied Kashmir.

Support the efforts of the Government of Pakistan in seeking a peaceful solution of Jammu and Kashmir dispute, keeping in view the aspirations of the Kashmiri people through all possible means, including a substantive meaningful and sustained dialogue with the Indian Government.

Resolve that:

(a) The people of Jammu and Kashmir shall continue their struggle for the realization of their right to self-determination as promised to them by the international community through the United Nations Security Council resolutions.

(b) The will of the people of Jammu and Kashmir expressed through a free and impartial plebiscite conducted under the auspices of the UN constitutes the sole and primary basis for the settlement of the Jammu and Kashmir dispute.

Urge the members of the Commission on Human Rights to:-

a) Demand that India withdraw its army of occupation from Jammu and Kashmir, fulfil its promise of holding a free and fair plebiscite in Jammu and Kashmir under UN auspices in accordance with the relevant UN Security Council resolutions and the United Nations Commission on India and Pakistan resolutions of 13 August 1948 and 5 January 1949.

b) Call on India to give concrete shape to the commitments made by it in order to secure the early settlement of the Jammu and Kashmir issue on the basis of the wishes of the Kashmiri people as stipulated by the relevant UN Security Council resolutions.

c) Stress upon the Indian government to put an end to state-terrorism; desist from genocidal repression that tantamounts to ethnic cleansing in Jammu and Kashmir; halt the practice of "crackdowns" on Kashmiris villages and urban areas; remove military pickets and troops from Kashmiri towns and villages and fully respect the religious sentiments of the Kashmiri people.

d) Impress upon the Indian government to allow full access to the thematic special rapporteurs on human rights and international human rights organizations and agree to the stationing of impartial human rights monitors in Indian occupied Jammu and Kashmir.

e) Support that leaders of All Parties Hurriyat Conference and Kashmiri Human Rights activists should be declared as "Internationally Protected Persons".

f) Support that the right of travel of Kashmiri people and the leaders of All Parties Hurriyat Conference should be guaranteed and protected.

(g) Extend all possible humanitarian assistance to the suffering people of Kashmir.

(h) Encourage the ICRC to play a more active role, including humanitarian help to Kashmiri widows and children.

Appeal to all peace loving people and the nations of the world to help and support the people of Jammu and Kashmir in their struggle for realization of their right to self-determination as promised to them under the relevant UN Security Council Resolutions.

STATEMENT ON JAMMU AND KASHMIR ADOPTED BY THE OIC CONTACT GROUP ON JAMMU AND KASHMIR AT ITS MEETING DURING THE 55TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS IN GENEVA, APRIL 09, 1999

The OIC Contact Group on Jammu and Kashmir meeting on the occasion of the 55th Session of the United Nations Commission on Human Rights expressed their continuing deep concern over the situation in Jammu and Kashmir, especially the gross and systematic human rights violations resulting in the suffering of the Kashmiri people.

The Meeting reaffirmed all OIC Summit and Ministerial Declarations and Resolutions on the Jammu and Kashmir dispute.

The Meeting recalled UN Security Council resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June, 1948, 80 (1950) of 14 March 1950 and 91 (1951) of 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 that stipulate that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

The Meeting called for an immediate end to the massive violations of human rights and, in this regard, reiterated the determination of OIC Member States to continue their efforts for the full protection of the fundamental human rights of the people of Jammu and Kashmir. It called on India to allow international human rights bodies, thematic special rapporteurs and NGOs to regularly visit and monitor the human rights situation in Jammu and Kashmir.

The Meeting noted that, in the changed security environment in South Asia, there is now an added urgency for Pakistan and India to meaningfully address the Jammu and Kashmir issue which continues to be the root cause of the tensions and instability in the region.

The Meeting expressed encouragement and support for the Pakistan-India dialogue to promote peace, rapprochement and economic development in South Asia. It welcomed the Pakistan-India Summit at Lahore on February 23, 1999 and called on India to translate into reality the commitments contained in the Lahore Declaration in order to usher in a new era of peace and stability in the region.

The Meeting affirmed once again the commitment of the OIC to promote a just and peaceful solution to the Jammu and Kashmir dispute in accordance with the United Nations resolutions; expressed their resolve to seek the effective realization of the right to self-determination of the Kashmiri people and conveyed their support for the efforts of the Government of Pakistan to resolve through a serious substantive and meaningful dialogue on the Jammu and Kashmir dispute which is the basic cause of the tensions between India and Pakistan.

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